

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**JESSE SANDLIN,**

**Plaintiff,**

**V.**

**Case No. 2:19-cv-02368-JTF-atc**

**CITIMORTGAGE, INC.; CENLAR;  
RICHARD KELLER; and  
J. MATTHEW KROPLIN,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION  
TO GRANT DEFENDANTS’ MOTION TO DISMISS**

Before the Court is Defendants CitiMortgage, Inc. (CitiMortgage), Cenlar FSB (Cenlar), Richard Keller, and J. Matthew Kroplin's (collectively Defendants) Motion to Dismiss for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6) that was filed on June 26, 2019. (ECF No. 9.) Plaintiff, Jesse Sandlin, proceeding *pro se*, filed a Response in Opposition to Defendants' Motion on November 8, 2019. (ECF No. 15.) Defendants filed a Reply on November 22, 2019. (ECF No. 16.) On December 6, 2019, Sandlin Moved the Court for Leave to File a Sur-Reply along with the proposed Sur-Reply, which Defendant opposed. (ECF No. 18, ECF No. 18-1 & ECF No. 19.) Magistrate Judge granted Defendant's Motion on June 2, 2020. (ECF No. 21.) On March 1, 2021, the Magistrate Judge entered a Report and Recommendation, recommending that the Court grant Defendants' Motion to Dismiss. (ECF No. 22.) Plaintiff did not file any objections to the Report and Recommendation, and the time to file such objections has passed. For the following

reason, the Court finds that the Magistrate Judge's Report and Recommendation should be **ADOPTED** and Defendants' Motion to Dismiss should be **GRANTED**.

## **I. FINDINGS OF FACT**

In her Report and Recommendation, the Magistrate Judge provides, and this Court adopts and incorporates the proposed findings of fact in this case. (ECF No. 22, 2–5.) As noted, Plaintiff failed to object to the Magistrate Judge's findings of fact.

## **II. LEGAL STANDARD**

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate's proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App'x at 310 (citations omitted.) Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Bd. of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive evidence or recommit

the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at \*3 (W.D. Tenn. Mar. 11, 2015).

Usually, district court must review dispositive motions under the *de novo* standard. However, a district court is not required to review “a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

The Court has reviewed the record in this case, including the Complaint, Defendant’s Motion to Dismiss, Plaintiff’s Response, Defendant’s Reply, and Plaintiff’s Sur-Reply. (ECF Nos. 1, 9, 15, 16, and 18.) The Court has also reviewed *de novo* the Magistrate Judges’ Report and Recommendation.<sup>1</sup> (ECF No. 22.) As noted above, Plaintiff has failed to file any objections to the Report & Recommendation, and the time to do so has expired. This Court is fully aware of the history involving Sandlin and CitiMortgage, as noted by the Magistrate Judge. This is the fourth lawsuit Mr. Sandlin has filed here in West Tennessee involving issues that have been repeatedly litigated by multiple courts. (ECF No. 22, 2.) Therefore, after a full review of the Magistrate Judges’ Report and Recommendation, including the “Proposed Findings of Fact” and the “Proposed Conclusions of Law”, the Court adopts the Magistrate Judge’s Recommendation that the Motion to Dismiss be Granted.

Upon *de novo* review, the Court hereby **ADOPTS** the Magistrate Judge’s Report and Recommendation and **GRANTS** the Defendant’s Motion to Dismiss Plaintiff’s complaint in its entirety.

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<sup>1</sup> The Court is aware that *de novo* review is not necessary. *Arn*, 474 U.S. 140, 150. Nevertheless, given the long history of Sandlin litigation in this Court, the Court reviewed the R&R under the more rigorous standard.

**IT IS SO ORDERED** on this 26<sup>th</sup> day of March, 2021.

*s/John T. Fowlkes, Jr.*  
John T. Fowlkes, Jr.  
United States District Judge